

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN THE MATTER OF THE COMPLAINT
OF BLUE DOLPHIN CHARTERS, LTD.
AND TERRY DONNELLY, AS OWNERS
OF THE VESSEL M/V BLUE DOLPHIN,
O/N 1082213, FOR EXONERATION
FROM AND/OR LIMITATION OF
LIABILITY

Civil No. CV05-
00037 HG BMK

CERTIFIED

COPY

FULL CAPTION CONTINUED ON NEXT PAGE

VIDEOTAPED DEPOSITION OF DONALD ROBERT COOK

Friday, September 30, 2005

Ellicott City, Maryland

2:56 p.m.

Reported by:
Jacquelyn Continetti Scott
R.P.R

JOB NO. 37991D

EXHIBIT

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15:02:45 1 Q All right. And I'll warrant to you that
 15:02:50 2 previous witnesses have identified the vessel in the
 15:02:56 3 foreground of the exhibit you just held up, the one
 15:02:56 4 with the X on the hull, as the vessel Blue Dolphin.
 15:02:59 5 Do you recall anybody ever telling you that that was
 15:03:01 6 the name of that vessel?

15:03:02 7 A I -- you know, I looked at it because I
 15:03:04 8 wanted to book a dive trip with them. So yes, I
 15:03:08 9 remember that I thought, wow, this is really cool, I
 15:03:11 10 would love to snorkel -- or not snorkel, but dive in
 15:03:15 11 this area, because I'd been on another dive trip in
 15:03:21 12 Kauai and there wasn't much reef. And, you know, they
 15:03:24 13 took us out, but it was all pretty much sandy, the big
 15:03:28 14 waves had, you know, demolished most of the coral.
 15:03:32 15 And I thought this would be a great trip to go on, and
 15:03:36 16 then come in that area and be able to snorkel.

15:03:39 17 So yeah, I did see it.

15:03:40 18 Q Let me ask you this, do you have dive
 15:03:41 19 training yourself?

15:03:44 20 A Yes.

15:03:44 21 Q Do you hold any sport-diving certificates?

15:03:45 22 A Yes, I have an open-dive certificate from
 15:03:49 23 PADI.

15:03:50 24 Q From P-A-D-I, PADI?

15:03:52 25 A Yes.

15:03:53 1 Q When did you receive that open-dive
15:03:55 2 certificate?

15:03:55 3 A I think about 25 years. I don't recall, but
15:03:58 4 it was -- it's been quite a while.

15:04:02 5 Q Now, you just indicated that you had been
15:04:03 6 diving, that is to say, scuba diving, in Hawaii?

15:04:07 7 A Yes, I've done it a couple times.

15:04:09 8 Q And when did you first consider taking a
15:04:12 9 scuba-diving trip aboard the Blue Dolphin?

15:04:14 10 A Oh, that day when I saw them. I saw the
15:04:16 11 dive tanks on them and I saw the divers going in the
15:04:19 12 water, and I thought, wow, this would be a great trip
15:04:23 13 to go on for, you know, a cruise and be able to go
15:04:26 14 scuba diving.

15:04:27 15 Q Okay, so we'll get to that in just a moment.
15:04:30 16 In the meantime, let me ask you this. The evidence
15:04:35 17 shows that the vessels were anchored in a more or less
15:04:39 18 north-to-south line. There was the Lucky Lady, which
15:04:41 19 is the vessel in the background of that photograph,
15:04:46 20 the Blue Dolphin, which is in the foreground, your
15:04:49 21 vessel, the Akialoa, and then a little further south
15:04:52 22 was the Layla. Do you recall that being the lineup
15:04:56 23 out there?

15:04:56 24 A Yes.

15:05:01 25 Q When did you first spot scuba tanks on the

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Jacquelyn Continetti Scott, Registered
3 Professional Reporter, the officer before whom the
4 foregoing deposition was taken, do hereby certify that
5 the foregoing transcript is a true and correct record
6 of the testimony given; that said testimony was taken
7 by me stenographically and thereafter reduced to
8 typewriting under my supervision; and that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to this case and have no interest,
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 20th day of
14 October, 2005.

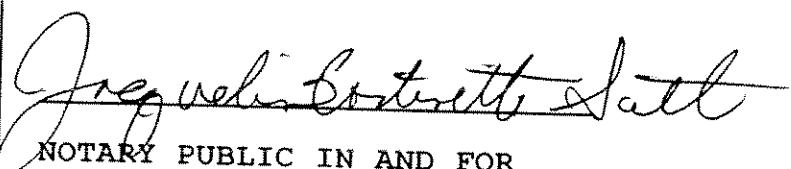
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16 My commission expires:

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